

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #12	CCRB Case #: 201907338	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/16/2019 9:42 PM	Location of Incident: [REDACTED]	Precinct: 103	18 Mo. SOL 2/16/2021	EO SOL 10/3/2021	
Date/Time CV Reported Sun, 08/18/2019 11:48 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 08/18/2019 11:48 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Amato	17444	958244	103 PCT
2. POM Jake Waiser	28975	958155	103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Nathan Mole	04654	911121	103 PCT
2. POM Louie Malave	17709	943511	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jake Waiser	Abuse: Police Officer Jake Waiser threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]
B.POM Jake Waiser	Discourtesy: Police Officer Jake Waiser spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Steven Amato	Force: Police Officer Steven Amato used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Steven Amato	Force: Police Officer Steven Amato used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On August 18, 2019, § 87(2)(b) filed this complaint via the CCRB website on behalf of her daughter, § 87(2)(b) and § 87(2)(b)'s husband, § 87(2)(b).

On August 16, 2019, at approximately 9:42 p.m., PO Jake Waiser and PO Steven Amato of the 103rd Precinct went to § 87(2)(b)'s home, located at § 87(2)(b) § in Queens, in response to a 911 call a member of her family placed after § 87(2)(b) denied that the location was her home or that she knew the identities of her family members. Emergency Medical Technicians (EMTs) went to the location and escorted § 87(2)(b) into an ambulance, which she attempted to exit. As she did so, PO Waiser threatened to use his Conducted Electrical Weapon (CEW) against § 87(2)(b) (**Allegation A -Abuse of Authority: Threat of force (verbal)**, § 87(2)(g)), and told her, "I don't give a fuck" (**Allegation B -Discourtesy: Word**, § 87(2)(g)).

In restraining § 87(2)(b) PO Amato pressed his knee into her chest, causing pain (**Allegation C -Force: Physical force**, § 87(2)(g)). PO Amato also pushed § 87(2)(b) away from him inside the ambulance, causing § 87(2)(b) to strike an interior wall, causing pain (**Allegation D -Force: Physical force**, § 87(2)(g)). § 87(2)(b) was transported to a hospital for medical treatment, and she was not arrested or issued any summonses as a result of this incident.

§ 87(4-b), § 87(2)(g)

No video footage was obtained in this case. PO Waiser was equipped with a Body-Worn Camera (BWC) at the time of this incident. A request for BWC footage returned negative results in this case (Board Review 14).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jake Waiser threatened § 87(2)(b) with the use of force.

It is undisputed that on August 16, 2019, at approximately 9:42 p.m., PO Waiser and PO Amato responded to a 911 call at § 87(2)(b) § in Queens, where they encountered § 87(2)(b) and members of her family. § 87(2)(b) was escorted into an ambulance. It is also undisputed that inside the ambulance, PO Waiser pointed his CEW towards § 87(2)(b) and verbally threatened to use it against her.

§ 87(2)(b) provided a telephone statement to the CCRB (Board Review 01), but no sworn statement could be obtained from her due to her civil attorney advising her to abstain from providing one to the CCRB. In her telephone statement, § 87(2)(b) stated that she was generally unable to recall this incident beyond her being inside an ambulance, individuals "grabbing [her] up" and placing her on a stretcher, and an officer pointing a CEW towards her.

In his testimony to the CCRB, § 87(2)(b) stated (Board Review 02) that after § 87(2)(b) denied residing at her home or knowing the identities of its occupants, her sister placed a call to summon an ambulance. Inside of § 87(2)(b) §, an EMT examined § 87(2)(b)'s wrists, where she had had a bandage on each wrist's underside for approximately two days. The EMT informed her that EMTs would escort her to an ambulance outside; § 87(2)(b) escorted her to the ambulance, which she agreed to enter. Inside the ambulance, § 87(2)(b) lay

face-up on a stretcher, and an EMT removed the bandages from § 87(2)(b)'s wrists; the bandages were visibly bloodied. An EMT informed her that the EMTs would transport her to a hospital. § 87(2)(b) verbally refused to comply, yelling that she wished to return to her home and sleep. § 87(2)(b) sat up on the stretcher, continuing to yell. An unidentified individual instructed her to lay down. PO Waiser removed his CEW from its holster and pointed it at § 87(2)(b).

In his testimony to the CCRB, PO Waiser (Board Review 03) stated that as he escorted § 87(2)(b) to the ambulance, he learned that she had been “suicidal.” In the ambulance, § 87(2)(b)'s demeanor became “irate” after she was informed that she would be evaluated at a hospital. § 87(2)(b) attempted to exit the ambulance, and an EMT physically prevented her from doing so. Because § 87(2)(b) verbally refused to go to a hospital, because she attempted to exit the ambulance, and for no other reason, PO Waiser pointed his CEW towards and threatened to use his CEW against her. An EMT instructed § 87(2)(b) to “relax” and pressed down on her body. After approximately one minute, she became compliant and verbally agreed to go to a hospital. PO Amato remained outside of the ambulance during this incident and spoke with § 87(2)(b).

The Prehospital Care Report (Privileged Document 01) prepared by EMT Andrew Yen of FDNY stated that the EMTs noticed knife slices on both of § 87(2)(b)'s forearms and attempted to convince her to go to a hospital. § 87(2)(b) “became violent and started swinging her arms and started to kick at” the EMTs. The EMTs restrained § 87(2)(b) and administered Midazolam, a central nervous system depressant (Board Review 15), to her.

§ 87(2)(b)'s mother, § 87(2)(b) (Board Review 04), and § 87(2)(b)'s sister, § 87(2)(b) (Board Review 05), testified to the CCRB that they remained outside of the ambulance for the period during which § 87(2)(b) disputed with officers and EMTs, and they did not otherwise witness this or any other allegation.

§ 87(2)(g)

A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical. NYPD Patrol Guide, Section 221-08 (Board Review 07).

§ 87(2)(g)

Allegation (B) Discourtesy: Police Officer Jake Waiser spoke discourteously to § 87(2)(b).

§ 87(2)(b) stated that as he pointed his CEW at § 87(2)(b) PO Waiser said, “I’ll Taser you right now if you don’t lay down. I’ll Taser you. I don’t care. I don’t give a fuck.” No other civilian, including § 87(2)(b) corroborated this statement. PO Waiser denied saying anything to the effect of, “I don’t give a fuck” to her.

§ 87(2)(g)

Allegation (C) Force: Police Officer Steven Amato used physical force against § 87(2)(b)

Allegation (D) Force: Police Officer Steven Amato used physical force against § 87(2)(b)

§ 87(2)(b) stated that after individuals placed her on a stretcher in the ambulance, PO Amato placed his knee on her chest.

§ 87(2)(b) stated that an EMT physically restrained § 87(2)(b) by placing his knee on her chest. PO Waiser and the Notice of Claim associated with this complaint (Board Review 06) corroborated this, and the PCR noted that “crew” restrained her. § 87(2)(b) stated that after this, he ran towards § 87(2)(b)

§ 87(2)(b) further stated PO Amato “hooked” one of his arms underneath both of § 87(2)(b) s armpits and pushed him backwards in a “sweeping” motion, causing him to move approximately three to four feet backwards and strike his left arm and shoulder against a door, causing shoulder pain for which he received no treatment.

On October 10, 2019, Sgt. Frank Galasso of the NYPD’s Department Advocate Office confirmed to the Mediation Unit that PO Amato resigned from the NYPD, and the CCRB was unable to interview him prior to this.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 08).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- PO Waiser has been a member-of-service for five years, and this is the first CCRB complaint to which he has been a subject.
- On October 10, 2019, DAO confirmed that PO Amato resigned from the NYPD, and his CCRB history is not available.

Mediation, Civil and Criminal Histories

- On October 3, 2019, this case was sent to mediation, and on November 8, 2019, the case was returned to investigation as the complaint was no longer eligible for mediation.
- § 87(2)(b) [REDACTED]
- § 87(2)(b), § 87(2)(c) [REDACTED]
- § 87(2)(b), § 87(2)(c) [REDACTED]
- § 87(2)(b), § 87(2)(c) [REDACTED]

Squad No.: _____

Investigator: _____	_____	_____
Signature	Print Title & Name	Date

Squad Leader: _____	_____	_____
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date